

# YOUTH SERVICES POLICY

<b>Title:</b> Searches of Employees <b>Next Annual Review Date:</b> 05/29/2010	<b>Type:</b> C. Field Operations <b>Sub Type:</b> 2. Security <b>Number:</b> C.2.4
	<b>Page 1 of 6</b>
<b>References:</b> YS Policy No. C.1.3 "Crimes Committed on the Grounds of YS Facilities/Office Buildings and/or Properties", Performance-based ACA Standards 4-JCF-2A-20, CJCA Performance-based Standards SaEP3 and SeP2	
<b>STATUS: Approved</b>	
<b>Approved By:</b> <i>Mary L. Livers, MSW, Ph.D.</i> <i>Deputy Secretary</i>	<b>Date of Approval:</b> 05/29/2009

## I. AUTHORITY:

U.S. Constitution 4th and 14th Amendments; Louisiana Constitution, Article 1, Section 5; La. C.Cr.P.Art. 215.2; La. R.S. 14:402; U.S. v. Sihler, 562 F.2d 349 (1977, U.S. 5th Cir.); Sec. & Law Enforcement Employees District Council 82 v. Carey, 737 F.2d 187 (1984, U.S. 2nd Cir.); Thorne v. Jones, 765 F.2d 1270 (5th Cir., 1985); and the Deputy Secretary of Office of Juvenile Justice as contained in La. R.S. 36:405. Deviation from this policy must be approved by the Deputy Secretary.

## II. PURPOSE:

To establish the Deputy Secretary's policy regarding searches of employees at facilities within the Office of Juvenile Justice.

## III. APPLICABILITY:

Deputy Secretary, Deputy Assistant Secretaries and all Facility Directors are responsible for implementing this policy and for advising all affected persons of its contents.

## IV. DEFINITIONS:

**Contraband** - Any item(s) introduced or found in the facility, including any improperly possessed drugs (whether illegal or legal) and weapons, that are expressly prohibited by those legally charged with the responsibility for the administration and/or operation of the facility.

**General Search** - A search whereby a person is required to remove his clothing down to his underwear, in order that his clothes be inspected for contraband and his person be observed.

**Pat-Down Search** - A search of a fully clothed person, conducted by a member of the same sex, for the purpose of discovering contraband.

**Probable Cause** - Probable cause is articulable knowledge supported by reasonable suspicion that contraband is being secreted. Probable cause exists when facts and circumstances within the staff member's knowledge and about which he has reasonable trustworthy information are sufficient to support a reasonable belief that an offense has been committed and that contraband may be found at the place or on the person to be searched.

**Property Searches** - Searches of personal property brought onto facility grounds including, but not limited to, vehicles, lunchboxes, purses, coats, jackets and briefcases.

**Reasonable Suspicion** - Reasonable suspicion is suspicion supported by facts, information, and/or circumstances which lead an employee of ordinary caution to believe that a person is secreting contraband in or on his body. Factors to consider in determining reasonable suspicion include:

1. Nature of the tip or information;
2. Reliability of the information;
3. Degree of corroboration of the tip or other information; and
4. Other facts contributing to suspicion or lack thereof.

**Strip Search** - A visual search of a person's nude body, conducted by employees of the same sex as the employee being searched, in a private place, out of the view of persons other than those conducting the search. The person being searched will be required to bend over, squat, turn around, raise his arms, lift the genitals, and raise the breast. (The foregoing list is not exclusive.) The clothing and all property of the person being searched shall be thoroughly searched prior to returning it.

**Visual Body Cavity Search (Strip Search With Genital Examination)** - A search having the characteristics of a strip search with a visual examination of the anal and/or vaginal openings, whereby the person being searched is required to open the cheeks of the buttocks and/or the lips of the vagina. The clothing of the person being searched shall be thoroughly searched prior to returning it.

**Vehicle Search** - A search of an employee's vehicle for the purpose of discovering contraband.

**V. POLICY:**

It is the Deputy Secretary's policy to define and permit reasonable searches of employees in order to halt the flow of contraband into secure care facilities under the jurisdiction of the Office of Juvenile Justice.

The United States and Louisiana constitutions prohibit unreasonable searches. Louisiana law makes it a crime to bring contraband into a correctional facility (La. R.S. 14:402). Prior to accepting employment, employees will be advised that they may be subjected to searches. They will also be advised of possible disciplinary and/or criminal consequences which may result from any attempt to bring contraband into or out of a secure facility or failure to cooperate during a search.

**VI. WHEN SEARCHES ARE PERMITTED:**

**A. Property Search:**

Property searches can be conducted at anytime. Random property searches of staff are required at least every six months. Such searches are generally conducted at the front gate of the secure facilities, but may be conducted anywhere on state property.

**B. Pat-Down Search:**

Pat-down searches of staff may be conducted randomly and may accompany a property search.

The person being searched will be required to empty his pockets, purse, or any other items where contraband may be concealed.

The person being searched will be required to remove any wig or hairpiece he may be wearing. This portion of the search must be conducted in a private place, out of the view of others.

The person being searched will also be required to remove all outer wear (coats, jackets, hats, caps, gloves, shoes, socks, etc.) in order that these items be searched. He will also be required to run his hands through his hair and to open his mouth for inspection. The person will not be required to remove articles of clothing that are the person's basic dress (shirts, pants, dress, skirt, etc.).

The person conducting the search shall use his hands to touch the person being searched, through his clothes, in such a manner to determine if something is being concealed. If the person conducting the search discovers an unusual lump or bulge, etc., he will order the person being searched to disclose the source of the unusual lump. Failure to comply with this order constitutes reasonable suspicion to conduct a general search.

**C. General Search:**

General searches may be conducted at any time with the approval of the Facility Director or his designee.

A search whereby a person is required to remove his clothing down to his underwear in order that his clothes be inspected for contraband and his person be observed. This search will be conducted in a private place, by two employees of the same sex as the person being searched and other of the view of persons other than those conducting the search. A general search will be conducted although a staff member may claim he is not wearing underwear.

**D. Strip Search:**

When there is reasonable suspicion directed toward a particular employee, a strip search may be conducted with the prior approval of the Facility Director. Random strip searches of employees are PROHIBITED. Strip searches of groups of employees are prohibited absent reasonable suspicion directed toward the entire group. Strip searches of employees shall be conducted by one officer and witnessed by one additional officer or staff member. All such searches shall be conducted and witnessed by persons of the same sex as the employee(s) being searched.

All strip searches of employees must be documented on a UOR and contain information regarding the circumstances surrounding the search, the reasons for and the results of the search. A copy of the report shall be given to the employee.

The report of the strip search must not contain any information that would tend to identify the source of any confidential information which was part of the basis for the search. This information must be contained in an attachment to the UOR.

**E. Searches by Narcotic Drug-Sniffing Dogs:**

Searches of an employee and/or an employee's property by trained drug-sniffing dogs may be conducted at any time.

**VII. VISUAL BODY CAVITY SEARCH/ DETAINMENT OF EMPLOYEES:**

**A. Suspicion of contraband being secreted in a body cavity**

When there is reasonable suspicion and/or probable cause that a particular employee is secreting contraband within a body cavity, on the authority and instruction of the Facility Director, the employee shall be detained as allowed by C.Cr.P. Art.215 for up to one hour for questioning and a visual body cavity search.

A visual body cavity search of the detained employee shall be conducted in the presence of at least two staff members of the same sex as the person being searched and in a location out of the view of others.

When a visual body cavity search creates reasonable suspicion that the detained employee is concealing something within a body cavity, the Facility Director or the person acting on his authority shall continue to detain the employee and call law enforcement. Once law enforcement is called, the one-hour time limitation for questioning is no longer applicable.

If the employee refused to submit to a visual body cavity search, the Facility Director shall continue to detain the employee and, according to C.Cr.P. Art.215.2(B), may detain him longer than one hour, until law enforcement can arrive and arrest the employee and/or enforce the search.

**B. Discovery of contraband pursuant to searches described in 6.A through 6.E.**

When contraband is discovered pursuant to searches conducted as outlined in Section 6.A through 6.E., the Facility Director shall detain the employee for up to an hour for questioning by Investigative Services and call law enforcement for the arrest of the employee.

**VIII. VEHICLE SEARCH:**

Vehicle searches may be conducted at any time anywhere on state property in the presence of the employee.

**IX. SEARCHES BY NARCOTIC DOGS:**

Narcotic dogs may be used during a search at any time. Only those narcotic dogs certified by a nationally recognized certifying agency may be used to conduct searches of property for the presence of drugs. Nationally recognized organizations include the National Police Canine Association, United States Police Canine Association and National Narcotics Dog Detector Association. The Facility Director/designee or Investigative Services staff requesting narcotic dog services shall ensure that at the time of the request the dog(s) have current certifications.

**X. DISPOSITION OF CONTRABAND:**

Contraband will be disposed of in the following manner with documentation of the method of disposal:

- A. All perishable items shall be destroyed;
- B. Items may be donated to a charitable organization;
- C. Items of little or no value may be destroyed; or
- D. Cash shall be disposed of in accordance with La.R.S. 14:402(F).
- E. Contraband as defined in LA. R.S. 14:402 shall be turned over to law enforcement as evidence.

**XI. TRAINING:**

Each Unit Head shall ensure that all current employees receive training relative to the contents of this policy and all new employees receive this training either during orientation, during in-service training or other designated time. This policy is to be part of the annual in-service training curriculums. Instructions on how to file complaints must be readily available to staff.

**Previous Regulation/Policy Number:** C-02-004 / C.2.4

**Previous Effective Date:** 12/15/1992

**Attachments/References:**